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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/456,265	12/07/1999	JUN-SEO LEE	P992039	6220

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EXAMINER

ANWAH, OLISA

ART UNIT PAPER NUMBER

2645

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/456,265

Applicant(s)

LEE, JUN-SEO

Examiner

Olisa Anwah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                         |                                                                             |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____                                                             | 6) <input type="checkbox"/> Other: _____                                    |

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**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1, 3-7, 9, 11-15, 17, 19-21, 23, 24 and 26-30 are rejected under 35 U.S.C. § 102(e) as being anticipated by Rogers et al, U.S. Patent No. 5,946,386 (hereinafter Rogers).

Regarding claim 1, Rogers discloses an apparatus for recording/reproducing a voice message (col. 2, lines 25-35 and col. 3, lines 50-60) in response to an incoming call to an exchange system (see Figure 1), said apparatus comprising:

at least one subscriber unit (106) for entering said voice message (col. 37, lines 20-25);

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an internet gateway (101) arranged within (col. 7, lines 65-67 and col. 9, lines 15-20) an exchange (104) system for recording/reproducing said voice message, said internet gateway comprising:

a digital-signal-processor (208) having a plurality of ports as data communicating paths, said digital signal processor having a buffer, a data compressor for compressing said voice message, and a data decompressor for decompressing said voice message stored in said buffer (col. 19, line 45) and for outputting said voice message via one of said plurality of ports (see Figures 4 and 5);

a call processor (201) for establishing a call connection between said subscriber unit and said internet gateway in response to said incoming call (col. 12, lines 15-30) and for outputting port information indicating an available port among said plurality of ports (col. 15, lines 1-5);

a DSP manager coupled (204) to said call processor for activating said available port of said digital-signal-processor in response to said port information (see Figures 4 and 5);

a flash memory (215) for storing said compressed voice message and a controlling circuit coupled to said flash memory for controlling the stored characteristics of said compressed voice message to be stored in said flash memory and for

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retrieving said voice message in said flash memory in said buffer in response to said incoming call from said telephone unit (col. 9, line 46 and col. 11, lines 30-35).

Regarding claim 3, see col. 37, lines 20-25.

Regarding claim 4, see col. 37, lines 20-25. Also see column 20.

Regarding claim 5, see column 37.

Regarding claim 6, see column 37.

Regarding claim 7, see col. 11, lines 30-35.

Claim 9 is rejected for the same reasons as claim 1.

Claim 11 is rejected for the same reasons as claim 3.

Claim 12 is rejected for the same reasons as claim 4.

Claim 13 is rejected for the same reasons as claim 5.

Claim 14 is rejected for the same reasons as claim 6.

Claim 15 is rejected for the same reasons as claim 1.

Claim 17 is rejected for the same reasons as claim 7.

Claim 19 is rejected for the same reasons as claim 1.

Claim 20 is rejected for the same reasons as claim 3.

Claim 21 is rejected for the same reasons as claim 6.

Claim 23 is rejected for the same reasons as claim 1.

Regarding claim 24, see column 37.

Regarding claim 26, see 104.

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Regarding claim 27, see 104.

Regarding claim 28, see 104.

Regarding claim 29, see 104. Also see col. 37, lines 20-25.

Regarding claim 30, see 104. Also see col. 37, lines 20-25.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 2, 10, 16, 22 and 25 are rejected under 35 U.S.C § 103(a) as being unpatentable over Rogers in view of Sienel et al, U.S. Patent No. 6,426,942 (hereinafter Sienel).

Regarding claim 2, Rogers fails to disclose the data compressor and said data decompressor, respectively, compress and decompress said voice message according to one of the algorithms set forth in G.723.1 and G.729. However Sienel discloses this limitation (col. 4, line 59). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rogers with the algorithm

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disclosed by Sienel. This modification allows for the production of 6.3 kBit/s data streams as suggested by Sienel.

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Claim 10 is rejected for the same reasons as claim 2.

Claim 16 is rejected for the same reasons as claim 2.

Claim 22 is rejected for the same reasons as claim 2.

Claim 25 is rejected for the same reasons as claim 2.

5. Claims 8 and 18 are rejected under 35 U.S.C § 103(a) as being unpatentable over Rogers.

Regarding claim 8, Rogers fails to teach the controlling circuit retrieves said voice message from said flash buffer at every 30 miliseconds. "Official Notice" is taken that this limitation is both old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Rogers wherein the controlling circuit retrieves said voice message from said flash buffer every 30 milliseconds. This modification allows for voice messages to be reproduced.

Claim 18 is rejected for the same reasons as claim 8.

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***Response to Amendment***

6. Applicant's arguments have been considered but are deemed to be moot in view of the new grounds of rejection.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa

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Anwah whose telephone number is 703-305-4814. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

O.A.

Olisa Anwah  
Patent Examiner  
August 3, 2004

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

